

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

CINDY WETMORE,

Defendant.

NO: CV-12-633-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80121-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT CINDY WETMORE

JUDGMENT SUMMARY

Judgment Creditor: Plaintiff Bruce P. Kriegman

Attorneys for
Judgment Creditor: Witherspoon Kelley

Judgment Debtors: Cindy Wetmore

1 Attorney for
 Judgment Creditor: None

2 Amount of Judgment: \$545,160.76 CAD
 3 \$ 250.00 USD

4 Interest Owed to Date
 Of Judgment: \$ 0.00

5 Interest Rate: 0.11% per annum

7 JUDGMENT

8 The Court, having previously entered an Order Adopting the Bankruptcy
 9 Court's Report and Recommendation and Order of Default against Defendant
 10 Cindy Wetmore, ECF Nos. 17, and being fully apprised in the premises, **HEREBY**
 11 **ORDERS , ADJUDGES, AND DECREES** that Plaintiff, Bruce P. Kriegman,
 12 solely in his capacity as court-appointed Chapter 11 Trustee for LLS America,
 13 LLC, shall have a judgment against Defendant Cindy Wetmore as follows:

14 1. Monetary Judgment in the amount of \$545,160.76 CAD, pursuant to 11
 15 U.S.C. § 550 and RCW 19.40.071;

16 2. Transfers in the amount of \$398,537.76 CAD, including \$130,000.00 in
 17 commissions, made to Defendant within four years prior to the Petition Filing Date
 18 are hereby avoided, and Plaintiff may take all necessary action to preserve the
 19 same pursuant to 11 U.S.C. §§ 544, 550, 551, and 548(a) and (b) and RCW
 20 19.40.041(1) and (2) and RCW 19.40.071;

1 3. Transfers in the amount of \$146,623.00 CAD made to Defendant more
2 than four years prior to the Petition Filing Date are hereby avoided, and Plaintiff
3 may take all necessary action to preserve the same pursuant to 11 U.S.C. §§ 544,
4 550, and 551 and RCW 19.40.041(1) and 19.40.071;

5 4. All said transfers to Defendant Cindy Wetmore are hereby set aside, and
6 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant
7 Cindy Wetmore for the benefit of the estate of LLS America, pursuant to 11 U.S.C.
8 §§ 544, 550, and 551;

9 5. All proofs of claim of Defendant Cindy Wetmore which have been filed
10 or brought or which may hereafter be filed or brought by, on behalf of, or for the
11 benefit of Defendant Cindy Wetmore, or her affiliated entities, against the Debtor's
12 estate in this bankruptcy or related bankruptcy proceedings are hereby disallowed
13 and subordinated to the monetary judgment granted herein, and Defendant Cindy
14 Wetmore shall not be entitled to collect on her¹⁴ proof of claim (Claim No. 677-1)
15 until the monetary judgment is satisfied by Defendant Cindy Wetmore in full,
16 pursuant to 11 U.S.C. §§ 502(d), 510(c)(1), and 105(a);

17 6. A constructive trust is hereby established over the proceeds of all
18 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

19 7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
20 USD, for a total judgment of \$545,160.76 CAD, plus \$250.00 USD, which shall

1 bear interest equal to the weekly average of one-year constant maturity (nominal)
2 treasury yield as published by the Federal Reserve System.

3 **IT IS SO ORDERED.**

4 The District Court Clerk is directed to enter this Judgment and provide
5 copies to counsel, Defendant, and Judge Frederick P. Corbit, **and close this case.**

6 **DATED** this 10th day of December 2013.

7
8 *s/ Rosanna Malouf Peterson*

ROSANNA MALOUF PETERSON
Chief United States District Court Judge